

Filed for intro on 02/06/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House No. HB0678  
By Rhinehart

AN ACT to amend Tennessee Code Annotated, Section 57-3-101; Section 57-3-103; Section 57-3-203; and Section 57-3-301, to authorize the distribution of all alcoholic beverages imported into the state by a non-resident sellers permit holder or distributed by a manufacturer which contains a registered trademark or trade name only by wholesalers licensed under §57-3-203 and sold only by a retailer licensed under §57-3-204.

WHEREAS, the state of Tennessee has preserved for state control and distribution alcoholic beverages and wine, allowing the distribution of cocktails, highballs, mixed drinks, coolers, and other similar alcoholic beverage products only through state licensed outlets; and

WHEREAS, the distribution of cocktails, highballs, mixed drinks, coolers and other similar alcoholic beverages have been restricted only to those locations which have authorized such sales by local option election; and

WHEREAS, products advertised as cocktails, highballs, mixed drinks, coolers and similar alcoholic beverages contain ethanol alcohol which is derived from malt fermentation process, but are not distributed in state licensed outlets; and

WHEREAS, it is the intent of the general assembly that the distribution of cocktails, highballs, mixed drinks, coolers and similar alcoholic beverages should be sold for off premise

consumption only in state licensed outlets in which unaccompanied minors are not permitted, irrespective of the method such alcohol was derived now, therefore;

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-3-101(a)(1), is amended by deleting “or beer where the latter” where such language occurs and inserting in lieu thereof the word “which”.

SECTION 2. Tennessee Code Annotated, Section 57-3-101(a)(1), is further amended by inserting the following language after the first complete sentence of that subsection:

“Alcoholic beverage” or “beverage” shall not include beer as defined herein but shall include any other beverage product containing alcohol which is imported by the holder of a nonresident seller permit or the holder of a permit issued under Chapter 2 of this title or manufactured by a holder of a license issued pursuant to Section 57-3-202 or Section 57-3-207, where such product contains the name or trademark of a wine or distilled spirit product registered pursuant to Section 57-3-301.

SECTION 3. Tennessee Code Annotated, Section 57-3-103(a)(1), is amended by deleting that subsection in its entirety and inserting in lieu thereof the following:

Nothing in this chapter is intended to relate to the manufacture, transportation, storage, sale, distribution, possession, or receipt of, or tax upon beer. Provided, however, beer shall include only malt beverages such as beer, ale, lager beer, stout and porter which is advertised and marketed as beer, ale, lager, stout, porter or malt liquor, and such descriptive term shall be disclosed prominently on the label of the beer product.

SECTION 4. Tennessee Code Annotated, Section 57-3-203(a), is amended by deleting the word “spirituous” where it appears.

SECTION 5. Tennessee Code Annotated, Section 57-3-301(a)(1), is amended by deleting the words “distilled spirits or wine” and inserting in lieu thereof the following words: “distilled spirits, wine or other alcoholic beverage”.

SECTION 6. Tennessee Code Annotated, Section 57-3-301(a)(2), is amended by deleting “or distilled spirits” where it appears in the first sentence of the subsection and insert in lieu thereof, “, distilled spirits or other alcoholic beverage”.

SECTION 7. Tennessee Code Annotated, Section 57-3-301(b), is amended by inserting “or other brand of alcoholic beverage product not taxed under Section (b)(1) of this section”, after the words “brand of wine” where they appear in the first sentence of subsection (b)(3).

SECTION 8. This law shall take effect upon becoming a law, the public welfare requiring it.

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